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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,135	03/13/2000	DARRELL WAYNE RANDALL	RCA88682	9528

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/445,135

Applicant(s)

RANDALL ET AL.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on 21 July 2003. These drawings are approved.

Response to Arguments

2. The OFFICIAL NOTICE presented in the prior action stating that it is notoriously well known in the art to “move” or ignore indefinite and definite articles when sorting a list of descriptors such as titles was not traversed and is accordingly taken as an admission of the fact noted.
3. Applicant's arguments filed 21 July 2003 have been fully considered but they are not persuasive.

With respect to applicant's argument that the Youman et al. reference does not disclose, teach or suggest “a control means for performing an alphabetical sort of the programs based on the entered text and the selected program descriptive field”, the examiner respectfully with the disagrees assertion that “time” and “channel” are not program descriptive fields as claims 1, 6, and 12 are not limiting with respect to the scope of a “program descriptive field”. Accordingly, it is the examiner's opinion that a televised program may be described by a number of criteria including but not limited to the program title, the time of broadcast, or channel. For example, if asked for a “program description” relating to the program “Friends”, a quick description might be that Friends is a comedy on NBC that is scheduled for broadcast on Thursday at 8:00 PM.

With respect to the use of “program descriptive fields” as separate sorting criteria, the claim merely requires that the “alphabetical sort of the programs is based on the entered text string and the selected program descriptive field”. The embodiment of Figure 9 to which the applicant’s remarks appear to be directed is operable of performing an alphabetical sort of the programs for the selected program descriptive field based on both the entered text string and the selected program descriptive field.

The claim does not explicitly recite the use of “separate sorting criteria”, nor is the claim limiting such that the limitations must be met regardless of the selected “program descriptive criteria”. Presumably, the sort for “time”, “channel”, “movie”, “sports, or “children” is still based on the titles of programs associated with the category. Accordingly, when selecting the “By Title” option, the sort of the programs would still be subsequently be “based on” the “program descriptive field” or Title in addition to the “text string”. In addition, with respect to the use of subsets of listings, the search would still be “based on” the filtered result set resulting from the other “program descriptive fields” as well as presumably the Title in conjunction with the “text string”. It is noted that the claim is not limiting such that “program descriptive fields” recited throughout the claim is necessarily the same “descriptive field”.

As to recitation that the “selected program descriptive filed” is not limited to only “titles of program listings”, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). While claims 3 and 8 recite that the “program

descriptive field” may relate to title, star, director, or context of the programs, the examiner’s burden to meet the claimed limitation is such that only 1 of the items need to shown.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3, 6-8, and 11-13 rejected under 35 U.S.C. 102(a) as being anticipated by Youman et al. (WO 96/17473).

Claims 1, 6, and 12 are rejected in view of the Youman et al. reference, which discloses an “apparatus” [10] (Page 11, Lines 3-9) wherein “channel guide information” is searchable and alphabetically sorted under the direction of a “control means” [16]. The embodiment is operable to facilitate these operations via a “user control means” [31/40] (Figures 3-4) which enables a user to “select a program descriptive field from the list of program descriptive fields” [321] (Figure 38C; Page 48, Lines 5-14) and to subsequently “enter a text string” [330] (Figure 38F) to search for programming (Page 46, Lines Page 47, Lines 14-25). Subsequent, to the entry of the “text string” [330] the “control means” [16] is operable to “perform an alphabetical sort of the programs” and to “locate a first program with the respective program description” as is illustrated in Figure 38F (Page 47, Lines 26-33 – Page 48, Lines 1-4).

Claims 2, 7, and 13 are rejected wherein the list of programs as illustrated in Figure 38F displays the list of programs as being “alphabetically sorted” with the “first program” most closest to the entered character or characters highlighted (Page 47, Lines 26-30).

Claims 3 and 8 are rejected wherein the “program descriptive field may relate to title” [321]. As illustrated in Figure 38C, other “program descriptive fields” such as the “context of the programs” or theme may be utilized (Page 48, Lines 5-14).

Claim 11 is rejected wherein a viewer may further utilize the embodiment so as to “select another program descriptive field” in order to conduct the search operations against a “descriptive field” other than title as referenced in the rejection of claims 3 and 8.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4-5 and 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al. (WO 96/17473).

As to the recited limitations in claims 4 and 9 wherein the sorting method moves “sentence articles” such that they are not used as the primary basis of searching, the examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to “move” or ignore indefinite and definite articles when sorting a list of descriptors such as titles. The Youman et al. reference further suggests that it may be desirable to exclude uninformative listings

(Page 46, Lines 26-33). Accordingly, it would have been obvious to one of ordinary skill in the art to modify the aforementioned Youman et al. searching method/technique so as to “move any sentence articles of the respective program description to the end of the respective program description” as is known in the art for the purposes of presenting the user with useful/meaningful search results regardless of variations of the use of the article.

In consideration of claims 5 and 10, the aforementioned reference does not explicitly disclose the scenario wherein “if the locating step cannot locate the first program . . . the next program on the alphabetical sorted list . . . is selected instead”. As shown in Figure 38E, the reference illustrates that the search is operable to further display terms that “immediately follow the position where the first program” is located when sorted alphabetically.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the invention to “select” the “next program on the alphabetical sorted list immediately following the position where the first program would have been located” in the event that the exact search string cannot be found for the purpose of providing the user with a search result set is closely related to the user defined “text string” to advantageously assist the user in locating programs should the aforementioned “text string” contain spelling errors.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Anderson et al. (US Pat No. 6005,631) reference discloses a method whereby a user may search an EPG using multiple criteria.
- The Yoshinobu et al. (US Pat No. 5,686,954) reference discloses an electronic program guide that is operable to locate programming of interest based on multiple search criteria.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 5:30 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703-306-0377.

SEB
August 7, 2003



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600